

SB129 INTRODUCED



1 SB129
2 6YJ9831-1
3 By Senator Melson
4 RFD: Judiciary
5 First Read: 13-Jan-26



SYNOPSIS:

This bill would require developers of generative artificial intelligence (AI) systems to disclose when an image or video content is AI-generated.

This bill would require the disclosures to be made in the same format as the AI-generated content, be conspicuous, unavoidable, understandable to a reasonable person, and not be contradicted by the AI-generated content.

This bill would require developers of generative AI systems to implement reasonable procedures to ensure disclosures may not be easily removed by third-party licensees and end users.

This bill would provide that a violation of this act is an unlawful trade practice under the Deceptive Trade Practices Act.

This bill would provide a private right of action for persons injured by a violation of this act.

This bill would also provide for the enforcement of this act.

A BILL
TO BE ENTITLED
AN ACT



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Relating to artificial intelligence; to require developers of generative artificial intelligence (AI) systems to disclose when image or video content is AI-generated; to provide requirements for AI-generated content disclosures; to provide that a violation of this act is an unlawful trade practice under the Deceptive Trade Practices Act; to provide a private right of action; and to provide for the enforcement of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following terms have the following meanings:

(1) AI-GENERATED CONTENT. Images, video, or audiovisual content that is substantially created or modified by a generative artificial intelligence system such that the use of the system materially alters a reasonable person's understanding of the meaning or significance of the content.

(2) ARTIFICIAL INTELLIGENCE or AI. The term as defined in Section 17-5-16.1, Code of Alabama 1975.

(3) ARTIFICIAL INTELLIGENCE SYSTEM. Any machine-based system, for any explicit or implicit objective, that infers from inputs to the system how to generate outputs, including content, decisions, predictions, and recommendations, that may influence physical or virtual environments.

(4) DEVELOPER. Any person doing business in this state that develops or significantly updates an artificial intelligence system that is offered, sold, leased, given, or otherwise provided to consumers in this state.



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(5) GENERATIVE ARTIFICIAL INTELLIGENCE. Artificial intelligence based on a foundation model that is capable of and used to produce synthetic digital content, including audio, images, text, and videos.

(6) GENERATIVE ARTIFICIAL INTELLIGENCE SYSTEM. Any artificial intelligence system or service that incorporates generative artificial intelligence.

(7) METADATA. Structural or descriptive information about data.

(8) THIRD-PARTY LICENSEE. Any person in this state that holds a license from a developer to access and use a generative artificial intelligence system for its own purposes.

Section 2. (a) A developer of a generative artificial intelligence system made available in this state shall ensure that any generative artificial intelligence system that produces images, video, or audiovisual content includes a clear and conspicuous disclosure on AI-generated content that meets all of the following requirements:

(1) The disclosure shall include a clear and conspicuous notice appropriate for the medium of the content which identifies the content as AI-generated content.

(2) The output's metadata shall identify the content as AI-generated content, identify the tool used to create the content, and the date and time the content was created.

(3) The disclosure, to the extent technically feasible, shall be permanent or unable to be easily removed by subsequent users.



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(b) For a disclosure to be clear and conspicuous as required by subsection (a), the disclosure shall meet all of the following criteria:

(1) For content that is solely visual, the disclosure shall be made visually in the same means the content is presented.

(2) For content that is both visual and audible, the disclosure shall be visual and audible.

(3) A visual disclosure shall stand out from any accompanying text or other visual elements by its size, contrast, location, the length of time it appears, and other characteristics so that the disclosure is easily noticed, read, and understood.

(4) An audible disclosure shall be delivered in a volume, speed, and cadence sufficient for a reasonable person to easily hear and understand the disclosure.

(5) The disclosure shall be unavoidable.

(6) The disclosure shall use diction and syntax understandable to a reasonable person.

(7) The disclosure shall not be contradicted, mitigated by, or inconsistent with, anything else in the communication.

(c) A developer of a generative artificial intelligence system shall implement reasonable procedures to prevent downstream use of a generative artificial intelligence system without the disclosures required under subsection (a), which shall include:

(1) Requiring by contract that end users and third-party licensees of the generative artificial



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intelligence system refrain from removing any required disclosure from AI-generated content;

(2) Requiring certification that end users and third-party licensees will not remove any disclosure from AI-generated content; and

(3) Terminating access to the generative artificial intelligence system when the developer has reason to believe that an end user or third-party licensee has removed the required disclosure from AI-generated content.

(d) Any third-party licensee of a generative artificial intelligence system shall implement reasonable procedures to prevent downstream use of a generative artificial intelligence system without the disclosures required under subsection (a). The procedures shall include:

(1) Requiring by contract that end users of the generative artificial intelligence system refrain from removing any required disclosure from AI-generated content;

(2) Requiring certification that end users will not remove any disclosure from AI-generated content; and

(3) Terminating access to the generative artificial intelligence system when the developer has reason to believe that an end user has removed the required disclosure from AI-generated content.

Section 3. (a) A violation of this act shall constitute an unlawful trade practice under the Deceptive Trade Practices Act, Chapter 19 of Title 8, Code of Alabama 1975, and be subject to the enforcement provisions of that act.

(b) Prior to initiating an enforcement action for a



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violation of Section 2, the Attorney General may provide a developer 30 days' written notice identifying the specific provisions of Section 2 the Attorney General alleges have been or are being violated. If, within the 30-day period, the developer cures the noticed violation and provides the Attorney General an express written statement that the alleged violations have been cured and that no further violations shall occur, the Attorney General shall not initiate an action against the developer for the noticed violations.

(c) Any person injured due to a violation of Section 2 shall be entitled to initiate an action pursuant to Section 8-19-10, Code of Alabama 1975.

Section 4. This act shall become effective on October 1, 2026.